

## **REMARKS**

### **STATUS OF CLAIMS**

In response to the Office Action dated December 15, 2008, claims 1, 2, 4, 5, 10, 11 and 13 have been amended. Claims 1, 2, 4-13, 15 and 17-18 are now pending in this application.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 101**

Claim 2 has been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The Examiner maintains that claim 2 recites a data management apparatus comprising means which lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. § 101. In particular, the Examiner contends that there is no evidence in the specification that the recited means, which may be interpreted as software, hardware or combinations thereof, necessarily include hardware.

To expedite prosecution, independent claim 2 has been amended to delineate, *inter alia*:

A data management apparatus for managing original data, first derivative data which is generated through editing processing on the original data, and second derivative data which is generated through editing processing on the first derivative data, by relating the original data, the first derivative data, and the second derivative data, the data management apparatus comprising:

***a storage unit;***

***a processing unit; and***

***a file management having a program directing carrying out the steps of:  
generating first link information...and first editing information...***

The subject matter now recited in amended independent claim 2 is based on the description at page 10, line 15 to page 12, line 4 and Figs. 2A and 2B.

Amended independent claim 2 is directed to statutory subject matter. Therefore, withdrawal of the rejection under 35 U.S.C. § 101 with respect to amended independent claim 2 is respectfully solicited.

### **CLAIM AMENDMENTS**

Claims 1, 2 and 4 have been amended to recite first reverse link information as well as first link information and second reverse link information as well as second link information. The dependent claims have been amended, where appropriate, in view of these changes. These amendments are made to improve the clarity of the claims and not in response to a statutory rejection.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

Claims 1, 2, 4-15 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Meek et al. (U.S. Patent No. 7,092,969) in view of Powell et al. (USPN 6,385,330). While the Examiner has included claim 14 in the rejection, this claim was cancelled in the previous response.

The rejections of claims 1, 2, 4-13, 15 and 17 are respectfully traversed.

As noted in the previous response, in Meek et al., a source image data set is directly related to a plurality of derivative data sets. In contrast, in the present invention, an original data set is hierarchically (multi-generationally) related to a plurality of derivative data sets. Specifically, in the inventions recited in independent claims 1 and 4, and amended independent claim 2, the original data is related to the first derivative data and also the first derivative data is

related to the second derivative data. In the invention recited in independent 17, the original data is related to the first derivative data. In addition, link information and editing information are attached to the original data and the derivative data as accompanying information. The link information attached to the original data represents the location of the derivative data and the link information attached to the derivative data represents the location of the original data. The features recited in independent claim 17, and amended independent claims 1, 2 and 4 are not disclosed in Meek et al.

In the present Office Action, the Examiner admits that Meek et al. are silent as to attaching the first link information and the first editing information to the original data. Powell has been relied upon by the Examiner as teaching attaching link and editing information to original data to determine whether the subject is derived from the signed image, referring to column 2, lines 48-56. However, this portion of Meek et al. merely describes:

The present invention includes a method and system for embedding a signature into an original image to create a signed image. A preferred embodiment includes selecting a large number of candidate points in the original image and selecting a number of signature points from among the candidate points. The signature points are altered slightly to form the signature. The signature points are stored for later use in auditing a subject image to determine whether the subject image is derived from the signed image.

That is, what Powell et al. describe is embedding a signature into an original image where selected signature points (of original image digital data) are altered slightly to form the signature in the original image. These signature points are then stored for later use in examining another image to determine whether or not this other image was derived from the signed original image.

While it may be possible, *arguendo*, to interpret the signature points of Powell et al. as link information, the signature points cannot reasonably be interpreted as being editing information representing *the content of the editing processing on the original data*. As used in the present application *content of the editing processing* identifies the specific editing that was carried out (on the respective original/derivative data) to produce the derivative data. One specific editing disclosed is copying the original (or derivative) data as depicted in Fig. 4 where File A is copied and stored in computer 100 as File A1 (see page 13, line 9 to page 14, line 8 of the present application). Such copying could also apply to any of the files A1, A2 or A3 of Fig. 4. Other types of editing that are carried out to produce derivative data are color conversion and reduction of content of data by a certain percentage (see page 14, line 9 to page 16, line 1 of the present application). Thus, the editing information represents *the content of the editing processing on the original data* that was carried out to provide the derivative data. In contrast, the signature points of Powell et al. do not denote what is the content of the editing processing carried out on the original data to derive derivative data.

The Examiner further admits that Meek et al. are silent as to second derivative data, which is generated through editing processing on the first derivative data (first full paragraph on page 4 of the Office Action). Powell et al. have been relied upon by the Examiner as teaching second derivative data, referring to column 6, lines 20-45. However, even if the described processing at column 6, lines 20-45 could be interpreted as resulting in second derivative data of first derivative data, Powell et al. do not disclose or suggest second editing information, representing the content of the editing processing on the first derivative data to derive the second

derivative data, being attached to the first derivative data and the second derivative data, as required by independent claims 1 and 4, and amended independent claim 2.

As also noted in the previous response, in Meek et al., the link information and the editing information are indirectly attached to the source image data via a repository database. In contrast, in the present invention, the link information and the editing information are directly attached to the original data. That is, Meek et al. disclose associating a “tag” with the new derivative image, which corresponds to attaching first link information and first editing information to the first derivative data.

Even if the signature points of Powell et al. could somehow be interpreted as link information, neither Meek et al. nor Powell et al. disclose or suggest attaching the first link information *and the first editing information* to the source (original) image data, where the first editing information represents *the content of the editing processing on the original data* that was carried out to derive the first derivative data. In addition, even if column 6, lines 20-45 of Powell et al. could be interpreted as resulting in second derivative data of first derivative data, neither Meek et al. nor Powell et al. disclose or suggest attaching second link information and *second editing information* to the first derivative image data, where the second editing information represents *the content of the editing processing on the first derivative data* that was carried out to derive the second derivative data. Furthermore, the Examiner has provided no reasonable explanation as to how Meek et al. would be modified in view of the teaching of Powell et al. and still use the required repository database (see each of the independent claims of Meek et al.), and also associate a “tag” with the new derivative image, as is the case in Meek et al.

Finally, independent claim 17 requires the link information attached to the original data represents the location of the derivative data, and the link information attached to the derivative data represents the location of the original data. Even if the signature points of Powell et al. could be interpreted as link information attached to the original data, it does not represent location of the derivative data. Furthermore, even if the signature points of Powell et al. could be interpreted as link information attached to derivative data, it does not represent location of the original data.

As noted in the previous response, in the present invention, the original data set can be hierarchically (multi-generationally) related to a derivative data set or a derivative data set can be hierarchically (multi-generationally) related to another derivative data set after hierarchically (multi-generationally) generating the derivative data sets according to the contents of editing processing. As a result, the accompanying information is decentrally-attached to either the original data set or the derivative data sets. This subject matter is not disclose or suggested in either Meek et al. or Powell et al.

In view of the above, independent claims 1, 2, 4-13, 15 and 17, as amended, are patentable over Meek et al. and Powell et al. Therefore, the allowance of claims 1, 2, 4-13, 15 and 17, as amended, is respectfully solicited.

#### **NEW CLAIM**

New claim 18 is presented for the Examiner's consideration. Claim 18 recites, inter alia, first link information and first reverse link information and defines the content and location of

this information. Applicant respectfully submits that the combination of elements as set forth in independent claim 18 is not disclosed or made obvious by the prior art of record.

Consideration and allowance of claims 18 is respectfully requested.

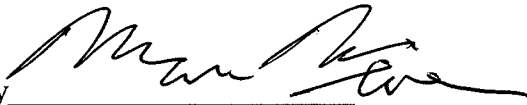
### **CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Christopher J. McDonald (Reg. No. 41,533) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Marc S. Weiner  
Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant